

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PAVERS AND ROAD
BUILDERS DISTRICT COUNCIL
WELFARE, PENSION, ANNUITY AND
APPRENTICESHIP, SKILL
IMPROVEMENT AND SAFETY FUNDS,

ORDER

12-CV-3877 (NGG) (JMA)

Plaintiffs,

-against-

JREM CONSTRUCTION CORPORATION,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On August 3, 2012, Plaintiffs filed suit against Defendant alleging violations of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1002 et seq., and the Labor Management Relations Act of 1947, as amended, 29 U.S.C. § 141 et seq. (Compl. (Dkt. 1).)

On September 12, 2012, the Clerk of Court noticed Defendant's default. (Dkt. 6.) On September 13, 2012, Plaintiffs moved for a default judgment. (Dkt. 7.) On September 19, 2012, the court referred this motion to Magistrate Judge Joan M. Azrack for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Sept. 19, 2012, Order.)

On January 14, 2013, Judge Azrack issued an R&R. (R&R (Dkt. 12).) On January 28, 2013, Judge Azrack issued an Amended R&R, recommending that the court grant Plaintiffs' motion for a default judgment and award them a total of \$121,588.69—\$105,774.73 in outstanding unpaid contributions; \$3,680.31 in interest on those unpaid contributions; \$10,577.47 in liquidated damages;

\$291.18 in interest for late payments for July, August, and October 2011; and \$1,265.00 in legal fees and costs. (See Am. R&R (Dkt. 14) at 19.)

No party has objected to Judge Azrack's Amended R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also Am. R&R at 19 ("Any objections to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of receipt of this report.")) Therefore, the court reviews the Amended R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS the Amended R&R in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, Plaintiffs' motion for a default judgment is GRANTED and they are awarded \$121,588.69 as set forth above. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York
February 12, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge

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